IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Akira NISHIYAMA et al.

Serial No. NEW : Attn: APPLICATION BRANCH

Filed November 23, 2001 : Attorney Docket No. 2001_1748A

PHENOXYPROPYLAMINE COMPOUNDS

(Rule 1.53(b) CIP of PCT/JP00/03279, Filed May 22, 2000)

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents, Washington, DC 20231

Sir:

Please amend the above-identified application as follows:

In the Claims:

Please amend claim 4 as follows:

4. (Amended) The compound of claim 2, which is represented by the formula (I')

wherein each symbol is as in claim 2,

an optically active compound thereof, a pharmaceutically acceptable salt thereof or a hydrate thereof.

Please add the following new claim:

21. (New) The compound of claim 3, which is represented by the formula (I')

$$\begin{array}{c|c}
Ra & Rb & R^7 \\
Rb & R^3 & R^1 \\
Rc & R^1
\end{array}$$

wherein each symbol is as in claim 2,

an optically active compound thereof, a pharmaceutically acceptable salt thereof or a hydrate thereof.

REMARKS

Claim 4 has been amended to depend only on claim 2, in order to avoid the multiple dependent claim fee, as a result of which new claim 21 has been added to the application.

Attached hereto is a marked-up version of the changes made to the claim by the current amendment. The attachment page is captioned "Version with markings to show changes made."

Respectfully submitted,

Akira NISHIYAMA et al.

Michael R. Davis

Registration No. 25,134 Attorney for Applicants

MRD/asd Washington, D.C. 20006-1021 Telephone (202) 721-8200 Facsimile (202) 721-8250 November 23, 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

4. (Amended) The compound of claim 2 [or claim 3], which is represented by the formula

wherein each symbol is as in claim 2, an optically active compound thereof, a pharmaceutically acceptable salt thereof or a hydrate thereof.